



APPLICATION ACCEPTED: December 20, 2011
PLANNING COMMISSION: March 14, 2012
BOARD OF SUPERVISORS: March 20, 2012
@ 3:30 p.m.

County of Fairfax, Virginia

February 28, 2012

STAFF REPORT

APPLICATIONS PCA 1996-MV-037-08

MOUNT VERNON DISTRICT

APPLICANT:	Lorton Medical, LLC
ZONING:	PDC (Planned Development Commercial)
PARCEL:	107-2 ((19)) 300 and 310
ACREAGE:	3.95 acres
PLAN MAP:	Mixed Use
PROPOSAL:	Amend the proffers to allow a contribution to fund construction of an off-site concession building instead of providing on-site community meeting space.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 1996-MV-037-08, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

William Mayland, AICP

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicants/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

O:\Bmayla\RZPCA\PCA 1996-MV-037-8 Lorton Medical



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Proffered Condition Amendment

PCA 1996-MV-037-08



Applicant:
Accepted:
Proposed:

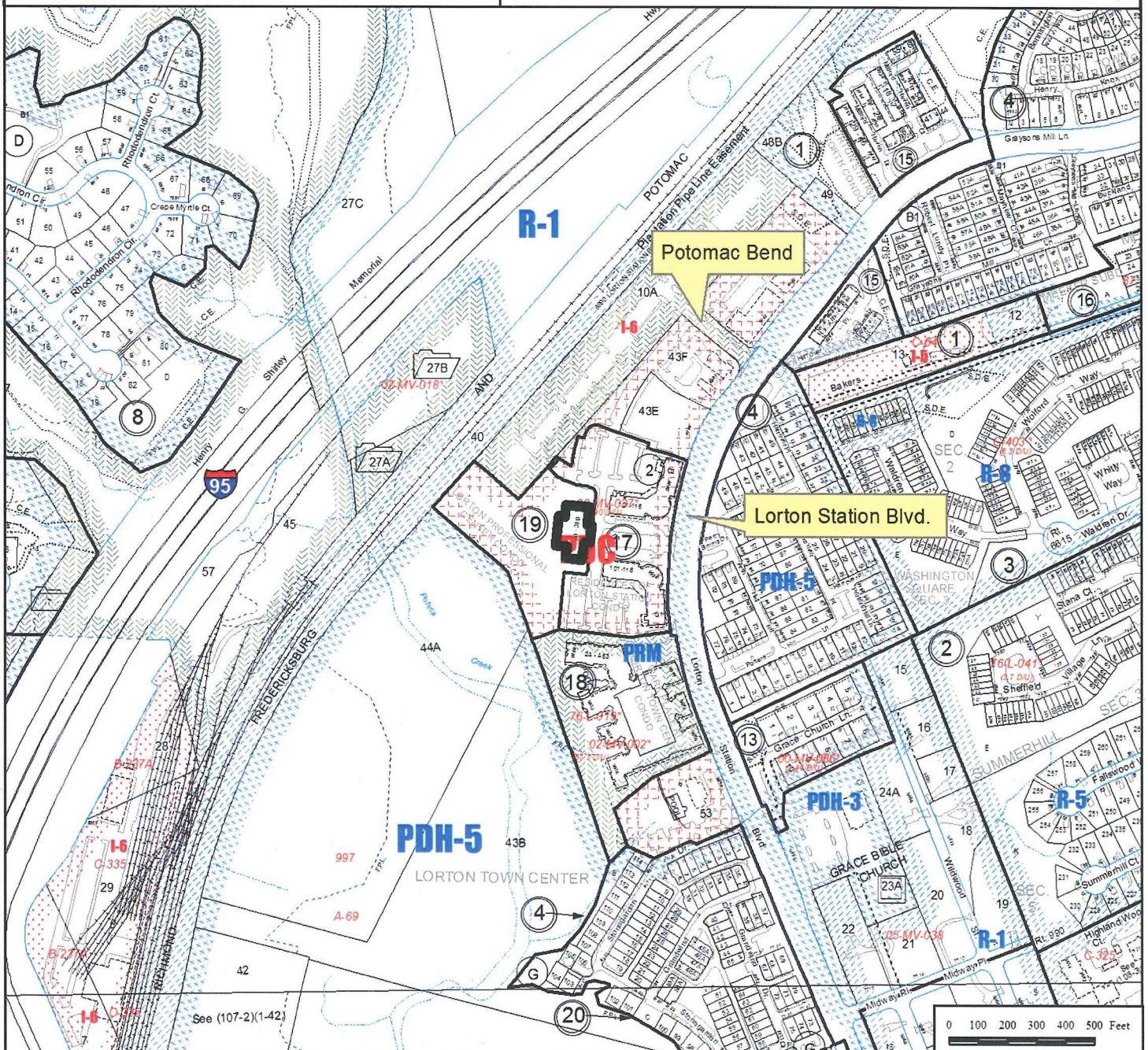
LORTON MEDICAL LLC
12/20/2011; AMENDED 2/15/2012
AMEND RZ 1996-MV-037 PREVIOUSLY
APPROVED FOR MIXED USE TO PERMIT
MODIFICATIONS TO PROFFERS

Area: 3.95 AC OF LAND; DISTRICT - MOUNT VERNON
ZIP - 22079

Located: WEST SIDE OF LORTON STATION BOULEVARD
APPROXIMATELY 1000 FEET SOUTH OF POHICK
ROAD AND EAST SIDE OF FREDRICKSBURG AND
POTOMAC RAILROAD

Zoning: PDC

Map Ref Num: 107-2- /19/ /0300 /19/ /0310



DESCRIPTION OF THE APPLICATION

The applicant, Lorton Medical LLC, is requesting to amend the proffers for two units within an office condominium building located on 3.95 acre portion of the area developed with the Lorton Town Center. The partial proffered condition amendment (PCA) application would remove the requirement for the provision of 5,000 square feet to be reserved for private events and community activities a minimum of four week nights per month and weekends. The applicant would instead contribute \$166,000 to fund the construction of a concession building with restroom facilities at Lower Potomac Park. The proposed proffer, statement of justification and affidavit are contained in Appendices 1-3, respectively.

LOCATION AND CHARACTER



The 3.95 acre site is part of Lorton Town Center and is developed with an office building. The areas immediately surrounding the site are developed with commercial uses or parking. The surrounding areas are zoned PDC and planned for mixed use.

BACKGROUND

The Lorton Town Center development, consisting of 214 acres, was approved on February 23, 1998, pursuant to PCA 76-L-019 and RZ 1996-MV-037. The approval was to rezone 192.2 acres to the PDH-5 (Planned Development Housing, Five Dwelling Units Per Acre) District at a density of 4.92 dwelling units per acre (du/ac) and 21.8 acres to the PDC (Planned Development Commercial) District to permit a 258,000 square foot commercial town center built around the Virginia Railway Express (VRE) station at Lorton Town Center. The development has been subject to seven proffered condition amendments that with the exception of PCA 1996-MV-037-6 are not pertinent to the proposed request. On July 22, 2002, the Board of Supervisors approved PCA 1996-MV-037-06 concurrent with RZ 2002-MV-002 and RZ 2002-MV-018. The PDC section was reduced to 16.45 acres for 214,992 square feet on non-residential uses and 32 dwelling units. These proffers provided for the 5,000 square feet of

meeting space that is now proposed to be removed. Copies of the proffers are contained in Appendix 4. The complete zoning files can be viewed in the Zoning Evaluation Division of the Department of Planning and Zoning.

COMPREHENSIVE PLAN PROVISIONS

In the Fairfax County Comprehensive Plan, 2011 Edition, Area IV, Lower Potomac Planning District, Lorton-South Route 1 Community Planning Sector (LP-2), Sub-Unit E-7, the site is planned for mixed use with an overall FAR of 0.30 for non-residential and residential density of five dwelling units per acre (du/ac). The complete Comprehensive Plan text is located in Appendix 5.

ANALYSIS

Land Use/Environmental Analysis

At the time of the development of the Lorton Town Center the area had limited spaces available for community groups to meet. The applicant proffered the meeting space to provide the amenity to the community. Since the site has been developed, meeting spaces have become available to the public in the new schools. The proffered community meeting space is currently unfinished and has not been used and the proffer has made it difficult for the applicant to sell/lease the space that has the requirement to provide for meeting space four nights a month and on weekends. In an effort to provide an alternative community benefit the applicant is proposing to provide a \$166,000 contribution to fund the construction of a concession building at Lower Potomac Park instead of providing the meeting space. In staff's opinion, the concession building will be a community amenity with more value than an unused community room. There is no environmental impact on the application site by the proposed proffer change. Below is a map of the area depicting the applicant's site and Lower Potomac Park located approximately one mile from the application site.



Transportation Analysis (Appendix 6)

The proposed proffered condition amendment makes no changes to the existing building, streets or transportation proffers. The removal of the requirement for the community meeting space has no adverse impact on the transportation network.

ZONING ORDINANCE PROVISIONS (Appendix 7)

The original rezoning and subsequent proffered condition amendments for the site reviewed the development against the general and design standards for a P-District. The Planning Commission and County Board had previously agreed with staff that the development met those criteria. Since there are no changes proposed to the existing site design or proffers except as noted above, in staff's opinion, the proposed application does adversely impact the approved planned district. The general and design standards for the P-District are contained in Appendix 7.

CONCLUSIONS AND RECOMMENDATIONS

Staff concludes that the proposed contribution for the construction of a concession stand at a nearby park will provide a greater benefit to the community than the community room.

Staff recommends approval of PCA 1996-MV-037-08, subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

The approval of the proffers do not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Proffers
2. Statement of Justification
3. Affidavit
4. PCA 1996-MV-037-06 Proffers
5. Comprehensive Plan Citations
6. Transportation Analysis
7. Zoning Ordinance Provisions
8. Glossary

PROFFERS

LORTON MEDICAL LLC

PCA 196-MV-037-08

February 15, 2012

Pursuant to Section 15.1-2303 (A), Code of Virginia, 1950, as amended, the undersigned Applicant and property owner, for themselves and for their successors and assigns (hereinafter "Applicant"), filed for a Property Proffer Condition Amendment for the property identified as Tax Map 107-2 ((19)), 300 (Unit T-100), 310 (Unit T-110) (hereinafter referred to as "Application Property") and hereby agree to the following proffers, which, except as modified herein, reaffirm the Proffers dated July 15, 2002 approved with _PCA 1996-MV-037-06.

REVISE 24. OTHER TO READ:

Thirty days after Board approval of this application the Applicant shall escrow the sum of \$166,000.00 for the benefit of and use by the South County Little League, Inc. to fund the construction of a concession building at Lower Potomac Park. Proof of funding shall be provided to the Department of Planning and Zoning and the Mount Vernon District Supervisors Office.

[Signature On Next Page]

Applicant/Title Owner

Lorton Medical, LLC

By: Rockledge Realty Partners, LLC,
Its Managing Member

By: _____

Michael D. Abrams,
Managing Member

Date: _____

TRAMONTE, YEONAS, ROBERTS & ASSOCIATES, PLLC
ATTORNEYS AND COUNSELLORS AT LAW

8221 OLD COURTHOUSE ROAD, SUITE 300
VIENNA, VIRGINIA 22182
TELEPHONE: 703-734-4800
FACSIMILE: 703-442-9532

APPENDIX 2

December 5, 2011

Ms. Virginia Ruffner
Dept. of Planning & Zoning
12055 Govt. Center Pkwy., Suite 801
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning
DEC 08 2011
Zoning Evaluation Division

Re: PCA
Applicant: Lorton Medical, LLC
Tax Map 107-2((19)) 300, 310

Dear Ms. Ruffner:

The following is a statement of justification for the above referenced Partial Proffered Condition Amendment. Paragraph 24 of the July 15, 2002 Proffers reads:

ADD 24. OTHER TO READ:

a. A minimum of 5,000 square feet on the second floor of Building C will be available to be reserved for private events and community activities a minimum of four week nights per month and as available on weekends and other weekday evenings.

- FEES: Nominal fees may be required for community use based on the cost of operating and maintaining the facility. Private use of the facility may be subject to an established user fee.
- HOURS OF OPERATION: Upon issuance of non-RUPS for 80% of the total commercial space comprising Buildings B, C, D, E, and F, the hours of operation for the function/assembly space will be limited to weekday evenings, weekends and holidays in keeping with the attached Deed of Easement recorded in Deed Book 12739 at page 1835 attached hereto as Exhibit D. As per the provisions of the easement, weekday evenings shall be deemed to be from 5:00 p.m. until 2:00 a.m. Monday through Thursday nights, and weekends shall be deemed to be from 5:00 p.m. on Friday through and until 2:00 a.m. on Monday. Holiday use shall be deemed to be for Federal holidays, starting at 5:00 p.m. the day before the holiday and ending at 2:00 a.m. on the day following the holiday.
- Prior to the issuance of non-RUPS for 80% of the total commercial space in Buildings B, C, D, E, and F, the function/assembly space may use built,

but unused, parking spaces in the commercial area, which would permit use of this space outside of the hours listed above. Additionally, the Applicant reserves the right to seek as subsequent shared parking agreement, which would be subject to the County's review and approval, to permit the function/assembly space to be used outside of the hours listed above.

The Applicant has been working with the South County Little League and the South County Federation to construct a concession building to serve the Little League Park at Lower Potomac Park. The Applicant has agreed to fund construction of the building in the amount of \$166,000. A Proffer committing to this funding would replace the current wording in paragraph 24.

A partial PCA is justified on only the 3.9 acre parcel based on the amendment: a) would not adversely affect the use of the property subject to the proffered conditions but not incorporated into this amendment; b) would not inhibit, adversely affect or preclude fulfillment of the proffers applicable to the area not incorporated into this amendment, c) would not adversely affect the vehicular and pedestrian circulation connectivity, landscaping and street scope applicable to the area not incorporated into this amendment, and d) would not increase the overall approved density/intensity for the development.

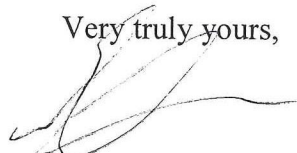
A waiver of the Ordinance submissions requirements is hereby requested to waive the requirement of 23 copies of a Conceptual/Final Development Plan. A copy of the approved CDP/FDP dated June 17, 2002 is submitted herewith.

Attached please find the following submission materials:

- 4 copies of completed Application
- 1 copy of completed Affidavit
- 4 copies of zoning plat with metes and bounds description
- 1 original agent authorization letter
- 1 zoning section sheet
- Please be advised that the Board on November 1, 2011 waived the filing fee
- Annotated in margins copy of July 15, 2002 Proffers listing status of completion/satisfaction of all proffered conditions

Please be advised that the Board also directed Planning Staff to expedite review of this application and schedule public hearings with a February 2012 Board date.

Very truly yours,



Keith C. Martin

cc: Michael Abrams

REZONING AFFIDAVIT

DATE: January 19, 2012
(enter date affidavit is notarized)

I, Keith C. Martin, Agent, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

114437

in Application No.(s): PCA 1996-MV-037-08
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE**,** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Lorton Medical, LLC	9600 Blackwell Road, Suite 200 Rockville, MD 20850	Applicant/Title Owner
Michael D. Abrams		Agent
Tramonte, Yeonas, Roberts & Martin PLLC Keith C. Martin	8221 Old Courthouse Road #300 Vienna, VA 22182	Attorneys/Agents Attorney/Agent

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

REZONING AFFIDAVIT

DATE: January 19, 2012
(enter date affidavit is notarized)

114437

for Application No. (s): PCA 1996-MV-037-08
(enter County-assigned application number(s))

- 1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Lorton Medical, LLC
9600 Blackwell Rd., Suite 200
Rockville, MD 20850

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Rockledge Realty Partners, LLC- Managing Member
GIM/218 Partners, LP- Member
Abrock III Investments, LLC- Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer,** etc.)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)

DATE: January 19, 2012
(enter date affidavit is notarized)

114437

for Application No. (s): PCA 1996-MV-037-08
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Tramonte, Yeonas, Roberts & Martin PLLC
8221 Old Courthouse Rd. #300
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Vincent A. Tramonte II
George P. Yeonas
Jill J. Roberts
Keith C. Martin

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Rockledge Realty Partners, LLC
9600 Blackwell Rd., Suite 200
Rockville, MD 20850

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Michael D. Abrams- Managing Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: January 19, 2012
(enter date affidavit is notarized)

114437

for Application No. (s): PCA 1996-MV-037-08
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Abrock III Investments, LLC
9600 Blackwell Rd., Suite 200
Rockville, MD 20850

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
Michael D. Abrams- Managing Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
LV Medical Office, LLC
555 Croton Rd., Suite 120
King of Prussia, PA 19406

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
LV Real Estate Advisors, LLC- Managing Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☒ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: January 19, 2012
(enter date affidavit is notarized)

114437

for Application No. (s): PCA 1996-MV-037-08
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
LV Real Estate Advisors, LLC
555 Croton Rd., Suite 120
King of Prussia, PA 19406

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)
Richard K. Layman- Managing Member
Beth L. Vopper- Member

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: January 19, 2012
 (enter date affidavit is notarized)

114437

for Application No. (s): _____
 (enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)
 GIM/218 Partners, LP
 555 Croton Rd., Suite 120
 King of Prussia, PA 19406

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

Limited Partner: Agreement of Trust dated April 27, 1992
 Trustees: Margaret H. Duprey and Francis J. Mirabello
 Beneficiaries: S. Matthews V. Hamilton, N. Peter Hamilton, Margaret H. Duprey
 General Partner: LV Medical Office, LLC

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

REZONING AFFIDAVIT

DATE: January 19, 2012
(enter date affidavit is notarized)

114437

for Application No. (s): _____
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)
None.

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: January 19, 2012
(enter date affidavit is notarized)

for Application No. (s): _____
(enter County-assigned application number(s))

114437

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)
None.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

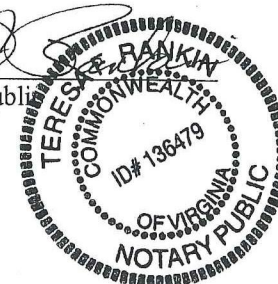
Keith C. Martin, Agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 19th day of January, 2012, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires: 1-31-14

Notary Public



PROFFERS

SOUTH STATION LLC

PCA 1996-MV-037-06

RZ 2002-MV-002

RZ 2002-MV-018

July 15, 2002

Pursuant to Section 15.1-2303 (A), Code of Virginia, 1950, as amended, the undersigned Applicant and property owner, for themselves and for their successors and assigns (hereinafter "Applicant"), filed for a rezoning from the PDC District to the PRM District for Property identified as Tax Map 107-2 ((1)) 43 pt.; a rezoning from the R-1 District to the R-1 District for Property identified as Tax Map 107-2 ((1)) pt. 27, and Proffer Condition Amendment for property identified as Tax Map 107-2 ((1)), pt. 43, pt. 44, and pt. 48 (hereinafter referred to as "Application Property"), hereby agree to the following proffers, which, except as modified herein, reaffirm the Proffers dated February 17, 1998 approved with RZ 1996-MV-037, all of which are incorporated herein, provided that the "Board of Supervisors" (hereinafter referred to as "Board") approves the rezoning of Tax Map 107-2 ((1)) 43 pt., to the PRM Zoning District, the rezoning of Tax Map 107-2 ((1)) pt. 27 to the R-1 District, and PCA 1996-MV-037-06.

ADD TO 1. DEVELOPMENT PLAN:

- a. Development of the PDC and PRM portions of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (Sheets 1 through 12) (CDP/FDP), prepared by Dewberry & Davis, LLC, and last dated June 17, 2002; provided, however, that minor modifications may be permitted when necessitated by sound engineering or which may become necessary as determined by the Department of Public Works and Environmental Services (DPWES).

REVISE 1. DEVELOPMENT PLAN TO READ:

- c. Applicant shall develop no more than 985 units collectively on the PDH-5 and PRM portions of the Application Property. The PRM portion of the Application Property will be developed with a maximum of 251 units. In addition to the 985 units, the PDC portion of the Application Property includes gross floor area for a maximum of 32 residential units which will be calculated on a gross floor area/floor area ratio basis.

REVISE 2. PERMITTED USES TO READ:

- a. The following additional uses shall be permitted in the applicable PDH-5, PDC, and PRM District portions of the Application Property, as shown on the CDP/FDP:

- PDH-5 District

- Single-family detached, residential
- Multi-family residential
- Community recreation
- Elderly housing
- Medical care facility

- PDC District (Buildings B, C, D, E, F, G, and H)

- Retail
- Personal service establishment
- Office
- Eating establishment
- Theater
- Financial institution
- Child care center and nursery school with a maximum enrollment of 230 students, as shown on the CDP/FDP
- Private school of general education/special education with a maximum enrollment of 230 students, as shown on the CDP/FDP
- Quick service food store
- Commercial recreation
- Hotel
- Fast food restaurant
- Church
- Health Club
- Medical clinic
- Veterinary clinic

- Post office
 - Drive-thru pharmacy, as shown on the CDP/FDP
- PRM District (Building A)
 - Multifamily residential
 - One of the 251 multi-family units may be reserved for short term rentals as an executive suite within the PRM portion of the Application Property that is the subject of RZ 2002-MV-002 for use by guests of residents living in the multi-family building. In the event that such a suite is provided, it may be used for guests of residents living in the Lorton Station development subject to availability and any fees established by the management of the apartment building.

ADD TO 3. NOISE ATTENUATION:

- d. Music emanating from the carousel shall comply with Fairfax County noise ordinance regulations. In addition, after 9:00 p.m. on non-holiday weekday evenings (Monday through Thursday) and after midnight on weekend and holiday evenings, there will be no carousel music.

REVISE 4. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES TO READ:

Stormwater Management (SWM) shall be provided subject to waivers approved by DPWES in accordance with applicable provisions of the Public Facilities Manual (PFM).

REVISE 6. TREE SAVE/CLEARING AND GRADING TO READ:

- a. The Applicant will strictly adhere to the limits of clearing and grading as generally described on the current CDP/FDP. The limits of clearing and grading shall be flagged prior to any permitted clearing and grading activity.
- c. Trees to be preserved shall be protected by tree protection fencing placed at tree driplines. Tree protection fencing shall consist of 4-foot high, 14 gauge welded wire attached to 6-foot steel posts driven 18-inches into the ground and placed no further than 10-feet apart. Tree protection fencing shall be installed prior to any work being conducted on the site, and placed at all limits of clearing and grading. The fencing shall be made clearly visible to all construction personnel and shall remain in place during all phases of construction in that area, as determined by the Urban Forestry Division.

- e. Areas of disturbance in the RPA not required for installation or relocation of those utilities and trails shown on the CDP/FDP should be revegetated, as applicable. A landscape plan and a reforestation plan for the cleared and graded area shall be submitted as part of the first site plan submission. These plans shall be reviewed by the Urban Forestry Division and approved by the Director of DPWES. The reforestation plan shall incorporate native grasses and native tree seedlings and whips (2-4 feet in height) in the plant schedule, and shall include information regarding the timing, methods of installation, and long-term maintenance commitments to ensure establishment.
- g. Measures will be taken to save designated trees, if possible, in the open space area located between the multi-family building that is the subject of Rezoning Application RZ 2002-MV-002 and the Lorton Station recreation center and to supplement with landscaping as generally shown on the Landscape Plan inset located on Sheet 5 of 12 of the CDP/FDP. Such tree save and supplemental landscaping will be subject to extension of utilities, Fire Marshal fire lane requirements, final building location, and engineering issues, as approved by the Urban Forestry Division.

REVISE 7. LANDSCAPING TO READ:

- a. Delete subparagraph 3. which reads: Building foundation planting, peripheral and internal parking lot landscaping and plaza landscaping within the "Town Center"
- b. Peripheral and interior parking lot landscaping and plaza landscaping within the Town Center will be provided as generally shown on Sheet 5 of 12 of the CDP/FDP, in coordination with the Urban Forestry Division.
- c. Street trees along the Town Center's Lorton Station Boulevard frontage will range in height from 16 to 20 feet at initial planting, and will have a minimum caliper measurement of 3 ½ inches, and shall be planted a minimum of 40 feet on center.
- d. Maintenance of the landscaping that is located in the residential PRM portion of the Application Property will be the responsibility of the multi-family building's management. Maintenance of the landscaping that is located in the commercial portion of the Application Property will be the responsibility of the commercial Town Center's management/owners association.

REVISE 8. TRANSPORTATION TO READ:

- L. With the exception of the existing public road that provides access to the VRE from Lorton Station Boulevard, streets within the Application Property will be private and will be maintained by the commercial Town Center's management/owners association.

- M. A connection between the VRE parking lot and the Application Property will be made as generally shown on the CDP/FDP to provide for intra-parcel vehicle trips between the two properties. A public access easement shall be provided if deemed necessary by DPWES.

REVISE 9. RECREATION TO READ:

- c. Town Square Amenities. The town square area located in the retail portion of the Application Property will be designed to accommodate a number of special activities to be scheduled on a regular basis, including but not limited to, farmers markets, festivals, art shows, concerts, family/children's activities, performances and open-air markets. A bandstand structure having a minimum size of 700 square feet, as generally illustrated on Sheet 9 of the CDP/FDP, will be constructed to serve as a staging area, complete with electrical hookups, sound amplification, and lighting deemed necessary for the uses intended. Options for public seating and gathering shall be accommodated in the design of the town square area as generally depicted on the town square illustrative on Sheet 10 of 12 of the CDP/FDP. Events will be coordinated through the commercial Town Center's management/owners' association, and will include events/activities which are community sponsored as well as any that are scheduled by the Town Center.
- d. Town Center Activity Features. In addition to a bandstand, other activity features will be provided in the Town Center as follows:
- A caboose in the general location shown on the CDP/FDP.
 - A carousel in the general location shown on the CDP/FDP.
 - A piece of play equipment for toddlers that follows a train theme to be located in the vicinity of the carousel and caboose/railroad car.
 - Ornamental metal fencing to be placed around the caboose/railroad car, carousel, play feature, and associated open space as described above.
 - A nature overlook consisting of a grassy open area with one or more picnic tables and seating to be constructed in proximity to Building C along the trail detailed in Proffer 21. b.
 - An active recreation feature (sport court, multi-purpose court) in the vicinity of Lorton Town Center or, at the option of the Applicant, a donation of \$20,000 to the Lorton Station Homeowners Association for development of active recreation in Lorton Station or at the Lorton Station elementary school site.
 - The seeding and stabilizing of the cleared slope that provides a natural

amphitheater in the vicinity of the sanitary sewer outfall easement northwest of the proposed apartment building. The purpose is to maintain this existing grassy area for lawn type seating and viewing of Pohick Creek and its surroundings.

- e. A pool and fitness center will be provided for the exclusive use of the residents of the multi-family building.
- f. In the event the value of the recreational improvements, equipment and amenities outlined in paragraphs c., d., and e. above do not equal or exceed the amount of \$955 per approved and developed residential unit in the combined PRM and PDC District areas, then the Applicant shall contribute the difference to the Fairfax County Park Authority for improvements within the Lorton area.

REVISE 14. SIGNS TO READ:

- a. All entry features and commercial signage shall be in conformance with Article 12 of the Zoning Ordinance unless a comprehensive sign package is submitted to the County for approval. Signage will conform to the general standard set forth on pages 27 and 28 of the Design Guidelines dated March 18, 2002, which pages are attached as Exhibit A.
- b. Neon signs will not be permitted on building facades that abut and face Lorton Station Boulevard.
- c. No temporary signs (including paper or cardboard signs), which are prohibited by Article 12 of the Zoning Ordinance, and no signs, which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on or off site during the marketing of the homes on the Application Property. The Applicant shall not post or cause others to post temporary signs to market the homes on the Application Property.

REVISE 15. ARCHITECTURE TO READ:

- a. Except as proffered herein multi-family and commercial buildings shall be subject to the height restrictions shown on the CDP/FDP and shall be constructed with architectural features and their corresponding maximum building elevations generally conforming to the illustrative elevations shown on the CDP/FDP and attached Exhibit B.
- h. The architectural style and scale of the PDC District buildings shall be in general conformance with the Lorton Station Boulevard elevations shown on Sheets 10 and 11 of the CDP/FDP and shall create an integrated design that is compatible with the proposed residential development in the PRM District. Compatibility between

buildings shall be achieved through the use of complimentary architectural styles, materials, mass, proportions, color, and quality of design details. Accent colors may be used on areas such as doors, windows, awnings and other trim or architectural details as may be appropriate to convey a corporate identity. The primary building materials on the facades of the commercial buildings which front Lorton Station Blvd. (including the front of Building C), the VRE access road and the driveway into the multi-family building shall be primarily glass and masonry. The rear facades of Buildings B, D, E, F, G, and H shall be finished with similar architectural treatment and/or colors. Where siding is proposed as depicted on the attached Exhibit C, it shall be a cementitious (e.g. Hardiplank or comparable) material.

- i. Commercial buildings identified on the CDP/FDP as E, F, G and H shall have similar architectural treatment on the side facing Lorton Station Blvd and the side facing the VRE Access Road.
- j. Outdoors seating and courtyards in the commercial area shall be integrated with the overall design of the restaurant/retail buildings to enhance the pedestrian character of the Application Property. Street furniture shall be provided in accordance with the design motif that has already been established for the Lorton Station community.
- k. Buildings B, C & D, located on the town square, shall be at least two stories in height.
- l. To the extent permitted by law, satellite dishes will only be installed on the rear of buildings/rooflines in the commercial area. Where permitted, no more than one satellite dish will be installed per building footprint.
- m. The multi-family Building A that is the subject of RZ 2002-MV-002 shall be a maximum of 3 stories in height on the portion of the building closest to Lorton Station Boulevard with the remainder of the building having a maximum height of 4 stories when viewed from Lorton Station Boulevard as shown on the illustrative entitled "3 Story Step Up to 4 Story Condition" on Sheet 11 of 12 of the CDP/FDP. The proposed building height will not preclude exposure of the basement level toward the rear of the four-story portion of the building. The Lorton Station Boulevard facade of the residential building will consist a majority of glass and masonry materials but may also include siding, as shown on the illustrative entitled "Perspective Along Lorton Station Blvd." on Sheet 11 of 12 of the CDP/FDP.

REVISE 18. OFFICES TO READ:

- m. The Applicant shall provide a minimum of 40,878 gross square feet of office space in the Town Center.

ADD 20. COMMERCIAL AND RESIDENTIAL PHASING TO READ:

The site plan for the commercial portion of the Application Property that is located south of the VRE access road will be approved and bonded prior to issuance of building permits for the multifamily use proposed in the PRM-zoned portion of the Application Property that is the subject of RZ 2002-MV-002. Building permits for the residential building (Building A) in the PRM District will be issued with or subsequent to the issuance of building permits for commercial buildings B, C and D within the PDC District.

ADD 21. TRAILS/SIDEWALKS TO READ:

- a. As generally illustrated on the CDP/FDP, a trail connection will be made from the Town Center to the trail being developed in open space located to the west of the Lorton Station recreation center. The portion of the trail located on the Application Property will be field located so as to minimize grading and clearing of healthy mature trees.
- b. As generally illustrated on the CDP/FDP, a nature trail consisting of varied widths and materials will be constructed in the open space located to the west of the Town Center and will extend under the railroad bridge crossing of Pohick Creek, through Parcel 27 and 27a, and under the I-95 bridge crossing of Pohick Creek subject to acquisition of off-site easements and jurisdictional permits from others, and subject to being able to implement this recreational improvement without further zoning amendments or applications. The Applicant shall diligently pursue obtaining necessary offsite easements. The trail will be bonded with the final site plan within the PDC area, unless one or more of the off- site owners specifically refuses to grant the needed easement(s) for the trail. The trail will be field located so as to minimize grading and clearing of healthy mature trees.
- c. The nature trail referenced in Paragraph B above, consisting of varied widths and materials, will be extended from Pohick Creek to connect via a sewer line easement to the greenway trail approved in RZ 2001-MV-025, subject to appropriate grading and sewer line construction by others and subject to the acquisition of off-site easements and jurisdictional permits for the trail, and subject to being able to implement this trail improvement without further zoning amendments or applications. The Applicant shall diligently pursue obtaining necessary offsite permits and easements and will provide written evidence to DPWES of attempts to obtain such easements and permits and, if applicable, title owner refusal to grant easements and permits. The trail will be bonded with the final site plan within the PDC area, unless one or more of the off- site owners specifically refuses to grant the needed easement(s) for the trail. In the event off site easements and permits are not available, the Applicant shall escrow funds for those portions of this trail for which

easements can be acquired. The value of the escrow shall be determined by DPWES.

- d. Designated crosswalks, selected sidewalk areas, and the road surrounding the Town Square portion of the Application Property will be treated with special paving materials such as scored concrete, brick or bomanite as generally illustrated on the CDP/FDP.
- e. The sidewalk located along the Lorton Station frontage of the proposed multi-family building that is the subject of RZ 2002-MV-002, will be reconstructed with special paving materials (scored concrete, brick or bomanite) to a width of six feet, and will be tapered to the width that currently exists at the point where the recreation center path connects to the sidewalk.

ADD 22. PARK DEDICATION TO READ:

At time of Site Plan approval for the PDC development, Parcel 27 at Tax Map 107-2 ((1), will be dedicated in fee simple to the Fairfax County Park Authority for park purposes. In the event that the Fairfax County Park Authority does not accept the dedication, the Applicant shall convey the parcel to the Town Center's management/Owners Association for trail maintenance purposes, and the Property shall remain as undisturbed open space.

ADD 23. LIGHTING TO READ:

- a. Full cut off lighting fixtures shall be used in all surface parking lots within the PDC District.
- b. Semi cut off lighting fixtures shall be used for the ornamental street lighting that will be placed along Town Center streets if such fixtures are available in the general styles depicted on Sheet 9 of the CDP/FDP.
- c. In order to minimize nighttime light pollution and glare, uplighting for design elements shall be limited to that necessary for illumination of town center fountains. Additional uplighting for signs (unless approved in conjunction with a comprehensive sign package), landscaping or architectural illumination shall not be permitted. Security lighting, such as "wall packs", lighting for pedestrian paths, and other common areas, shall also be shielded and directed downward.

ADD 24. OTHER TO READ:

- a. A minimum of 5,000 square feet on the second floor of Building C will be available to be reserved for private events and community activities a minimum of four week nights per month and as available on weekends and other weekday evenings.
 - FEES: Nominal fees may be required for community use based on the cost of operating and maintaining the facility. Private use of the facility may be

subject to an established user fee.

- HOURS OF OPERATION: Upon issuance of non-RUPS for 80% of the total commercial space comprising Buildings B, C, D, E, and F, the hours of operation for the function/assembly space will be limited to weekday evenings, weekends and holidays in keeping with the attached Deed of Easement recorded in Deed Book 12739 at page 1835 attached hereto as Exhibit D. As per the provisions of the easement, weekday evenings shall be deemed to be from 5:00 p.m. until 2:00 a.m. Monday through Thursday nights, and weekends shall be deemed to be from 5:00 p.m. on Friday through and until 2:00 a.m. on Monday. Holiday use shall be deemed to be for Federal holidays, starting at 5:00 p.m. the day before the holiday and ending at 2:00 a.m. the day following the holiday.
- Prior to the issuance of non-RUPS for 80% of the total commercial space in Buildings B, C, D, E and F, the function/assembly space may use built, but unused, parking spaces in the commercial area, which would permit use of this space outside of the hours listed above. Additionally, the Applicant reserves the right to seek a subsequent shared parking agreement, which would be subject to the County's review and approval, to permit the function/assembly space to be used outside of the hours listed above.
- b. PRM District Use. In addition to the structured parking, architectural/landscaping details, pool, and fitness center features that have been proffered, the multifamily building shall be subject to the following:
 - Such high end features as a great room, resident kitchen/entertainment area, audiovisual room, conference room, business center, and sauna will be incorporated into the building;
 - A minimum of 30 units will be identified as penthouse units with high end finishes (for example, crown molding, chair rails, cabinets, light fixtures, paint, appliances) incorporated into these units;
 - Applicant having previously developed and placed in service 248 moderate income apartments within Land Bay K of the subject development, the proposed Town Center apartments within the PRM District shall be available for lease at market rates without regulatory income or rent restrictions.
 - Occupancy limits for residential units in this multifamily building will comply with the occupancy provisions of the Fairfax County Code.
- c. Bike racks and dog tether areas will be provided in the commercial area.
- d. All service areas, loading facilities, and trash dumpsters shall be screened from view

through fencing, landscaping or building design.

- e. Daily trash pickup within the commercial portion of the Application Property will be between the hours of 8:00 a.m. and 5:00 p.m.
- f. To the extent permitted by law, satellite dishes will only be installed on the rear of buildings/rooflines in the commercial area. Where permitted, no more than one satellite dish will be installed per building footprint.
- g. In the event that a childcare center or a private school is provided on site, the hours of operation will be 5:30 a.m. to 7:00 p.m.; however periodic special meetings and school functions may extend to 9:00 p.m.

[SIGNATURE LINES BEGIN ON FOLLOWING PAGE]

PCA 1996MV-037-06

RZ 2002-MV-002

RZ 2002-MV-018

APPLICANT/TITLE OWNER:

SOUTH STATION, LLC

By: KSI America, L.P., Manager/Member

By: KSI Services/America, L.L.C., General Partner

KSI Services, Inc., Manager/Member

By: 

Richard W. Hausler, President

[END SIGNATURES]

LP2 LORTON-SOUTH ROUTE 1 COMMUNITY PLANNING SECTOR

Sub-unit E7

Sub-unit E7 is located east of Interstate-95, generally between Pohick and Lorton Roads as shown on Figure 33. This area contains significant wetlands associated with the Pohick Creek Environmental Quality Corridor and represents a unique opportunity to create a focal point for the Lorton-South Route 1 area. Sub-unit E7 is planned for the development of a mixed-use project to include opportunities for a mix of office, townhouses and multi-family housing, open space, retail, cultural center, and hotel/motel uses to further the attainment of the "Town Center" concept. Development of a mixed-use project should be contingent upon satisfactory achievement of the following conditions:

- Substantial and logical parcel consolidation should be provided so that the area is developed as one unified project to provide for high quality design and an integration of uses in keeping with the "Town Center" concept (consolidation of the entire CSX site will satisfy this condition);
- A thorough heritage resource survey should precede development and the recovery of significant heritage resources should be undertaken in conjunction with development;
- A mixture of uses to reflect an overall floor area ratio of 0.30 FAR for non-residential uses on approximately 22 acres and a residential density of 5 du/ac, comprised of a mix of unit types, on approximately 202 acres is appropriate for this site;
- The land use mix between non-residential and residential uses should be maintained so that the residential use component accounts for at least one-fourth of the total development;
- The non-residential component of the development should be clustered around a commuter railway station;
- Active and passive recreational uses should be provided or a contribution for recreational uses appropriate to the residential development on-site should be provided. Recreational uses consistent with the Chesapeake Bay Preservation Ordinance may be considered in the EQC;
- Substantial contribution towards transportation improvements should be provided;
- Uses and intensities should generally be arranged so that new residential uses are situated next to existing or planned residential uses and compatible in height, scale and intensity;
- Good design principles should be employed including the provision of pedestrian and vehicular circulation systems within and to this sub-unit with special attention given to the linkages to the commuter rail station;

- Landscaping and trees should be used in parking lots, plazas and streetside areas and medians along major roads in the "Town Center", including the "spine road" to create "boulevard-like effects";
- Architectural design features such as variations of window materials, as well as public space furniture or entry accents are encouraged. When appropriate, arcades, awnings or other building features to ground floor retail are desirable;
- Comprehensive sign systems that establish a distinctive theme and identity and eliminate visual clutter are desirable. Building mounted and ground mounted shopping center signs incorporated within a planting strip are encouraged. Pole mounted signs are discouraged;
- Safe pedestrian access to the commuter rail station from adjacent recreational areas and from across Lorton Road, Pohick Road and the CSX Railroad should be provided;
- Interparcel pedestrian access should be provided to the adjacent existing residential areas to the "Town Center" areas;
- An enclosed commuter rail station structure that accommodates passenger and other public and accessory uses;
- An appropriate school site should be identified with sufficient land set aside to accommodate its construction;
- The Pohick Creek Environmental Quality Corridor is part of the Pohick Greenway and should be dedicated to the Board of Supervisors for public park purposes. The wetlands associated with it are to be protected by locating and limiting development to public uses in a manner which will not adversely impact them; and
- Substantial buffering and screening should be utilized in transition areas between residential and commercial uses.



County of Fairfax, Virginia

MEMORANDUM

DATE: February 7, 2012

TO: Barbara Berlin, Director
Zoning Evaluation Division
Department of Comprehensive Planning

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section
Department of Transportation

FILE: 3-4 (RZ 1996-MV-037-08)

SUBJECT: Transportation Impact

REFERENCE: PCA 1996-MV-037-08; Lorton Medical LLC
Traffic Zone: 137
Land Identification Map: 107-2 ((19)) 100, 110, 120, 135, 140, 150, 160,
200, 210, 220, 230, 240, 250,
260, 270, 300, 310

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. Our comments are based on the submitted PCA justification, regarding revised proffer language to delete the portion of the proffer requiring 5,000 square feet of Building C to be reserved for private and community events and add language that the Applicant will contribute funds for the construction of a concession stand to serve the Little League Park.

This department does not object to the proposed amended proffer language and mentions the following:

- The Applicant should carry forward all other previously approved proffers.

AKR;ak W:PCA1996MV037-08LortonMedical

Fairfax County Department of Transportation

4050 Legato Road, Suite 400

Fairfax, VA 22033-2895

Phone: (703) 877-5684 TTY: 711

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www.fairfaxcounty.gov/fcdot



PART 2 6-200 PDC PLANNED DEVELOPMENT COMMERCIAL DISTRICT

6-201 Purpose and Intent

The PDC District is established to encourage the innovative and creative design of commercial development. The district regulations are designed to accommodate preferred high density land uses which could produce detrimental effects on neighboring properties if not strictly controlled as to location and design; to insure high standards in the lay-out, design and construction of commercial developments; and otherwise to implement the stated purpose and intent of this Ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the

uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.

6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the PDH, PRM, PDC, PRC Districts the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. In the PTC District, such provisions shall only have general applicability and only at the periphery of the Tysons Corner Urban Center, as designated in the adopted comprehensive plan.
2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		